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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,449	02/16/2000	George R. Borden, IV	KLR:7146.045	5400

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EXAMINER

CZEKAJ, DAVID J

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/505,449

Applicant(s)

BORDEN, IV ET AL.

Examiner

Dave Czekaj

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) 27-29 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-32 is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (5610653) in view of Hunke (5912980).

Regarding claim 1, Abecassis discloses an apparatus that automatically customizes a viewer-selected video in response to the viewer's preferences (Abecassis: column 1, lines 20-23). This apparatus comprises "initiating an object tracking system" (Abecassis: figure 11A, column 41, lines 52-55, wherein the system is initiated as indicated by the start process and by using the remote), "magnifying the image while the object tracking system is activated" (Abecassis: figure 10D, column 42, lines 11-16, wherein the user presses a button to zoom, the object is the target), "selecting an object of interest in an image while the system is activated" (Abecassis: figure 10D, column 41, lines 52-61, wherein the user selects an object by using a target pointer and pressing a button on the remote), and "designating the object as the target of the tracking system while

the system is activated” (Abecassis: figure 10D, column 41, lines 52-61, wherein the target pointer indicates the target). However this apparatus lacks modifying the magnification based on a confidence level as claimed. Hunke teaches that prior art tracking systems using a template approach must cover all possible sizes of objects (Hunke: column 2, lines 29-35). To help alleviate this problem, Hunke discloses an apparatus in which “the magnification is automatically modified based upon a confidence that the object is being tracked” (Hunke: column 5, lines 36-54, wherein the confidence level is the threshold level, the magnification is the zoom). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Abecassis and add the magnification taught by Sotoda in order to obtain an apparatus that is more versatile by being able to successfully track objects of varying size.

Regarding claims 2, 11, 17, and 22, Hunke discloses “the image is magnified by adjustment of an optical lens” (Hunke: column 5, lines 36-37, wherein the optical lens is the zoom lens).

Regarding claims 4, 13, 19, and 24, Hunke discloses “the magnification is an automatic result of the initiating the object tracking system” (Hunke: column 5, lines 14-35, wherein the magnification is the zoom. Once the system is initiated, the system detects, identifies, and locates objects to track and automatically adjusts the magnification or zoom to keep the object in the center of the margins).

Regarding claims 3, 12, 18, and 23, Abecassis discloses "the image is magnified by adjusting an electrical signal representing a part of the image" (Abecassis: column 42, lines 11-16, wherein the magnification is done using a remote which adjusts the electrical signal to the desired zoom level).

Regarding claims 5, 14, and 20, Abecassis discloses "automatically changing the scale of the image following designation of the object as the target" (Abecassis: column 41, lines 62-64, wherein the image is all the contents contained within the frame, changing the scale is adjusting the window frame to display the target in the center of the frame).

Regarding claims 6, 15, and 25, Abecassis discloses "moving a cursor to superimpose the cursor on the object of interest in the image" (Abecassis: figure 10D, wherein the cursor is the target pointer 1091 and the object of interest is the car 1092) and "signaling the tracking system that the cursor is superimposed on the object of interest" (Abecassis: column 41, lines 52-61, wherein signaling to the tracking system is done by the remote which indicates to the system that the target pointer is situated on or superimposed on the target).

Regarding claims 7-10 and 16, although not disclosed, the object tracking system could comprise a touch screen display that simultaneously selects and designates the target upon the next touch of the display (Official Notice). Doing so would have been obvious in order to make the apparatus more user-friendly by providing the benefits of a touch screen display.

Regarding claim 21, note the examiners rejections for claims 1 and 5.

Allowable Subject Matter

4. Claims 30-32 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (571) 272-7327. The examiner can normally be reached on Monday - Friday 9 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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